

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:06-cr-113

UNITED STATES OF AMERICA

vs.

RONALD ARTHUR HARRIS

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine triggered by the Fair Sentencing Act of 2010. (Doc. No. 59).

The Court previously found that the defendant was not sentenced “based on” guideline range subsequently lowered by Sentencing Commission. (Doc. No. 56: Order at 2). Accordingly, the defendant is not eligible for relief under the recent amendments because the retroactively lowered guideline range remains trumped by the 120-month mandatory minimum sentence prior to considerations of departure. USSG §1B1.10 comment. (n.1(A)(ii)).

IT IS, THEREFORE, ORDERED that the defendant’s motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: December 20, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

